

# EXHIBIT A

**EXHIBIT A**

**SPECIFIC AMENDMENTS AND WITHDRAWAL OF ADMISSIONS**

REQUEST FOR ADMISSION NO. 17: Admit that your goods or services are identical to at least some of Tata Sons' goods and services.

ORIGINAL RESPONSE: Admit that at least one of TATA Telecom's services is identical to at least one of Tata Sons' services. Otherwise, deny.

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 18: Admit that your goods and services are the same type of goods and services as some of Tata Sons' goods and services.

ORIGINAL RESPONSE: Admit that at least one of TATA Telecom's services is the same type of services as at least one of Tata Sons' services. Otherwise, deny.

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 19: Admit that your goods and services are related to Tata Sons' goods and services.

ORIGINAL RESPONSE: Admit that at least one of TATA Telecom's services is related to at least one of Tata Sons' services. Otherwise, deny.

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 20: Admit that the word "telecom" describes your goods or services.

ORIGINAL RESPONSE: Admit.

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 21: Admit that Tata Sons provides telecommunication goods.

ORIGINAL RESPONSE: Admit

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 22: Admit that you provide telecommunication goods.

ORIGINAL RESPONSE: Admit

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 23: Admit that Tata Sons provides telecommunication services.

ORIGINAL RESPONSE: Admit

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 24: Admit that you provide telecommunication services.

ORIGINAL RESPONSE: Admit

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 25: Admit that Tata Sons' goods include telecommunications-related goods.

ORIGINAL RESPONSE: Admit

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 26: Admit that your goods include telecommunications-related goods.

ORIGINAL RESPONSE: Admit

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 27: Admit that Tata Sons' services include telecommunications-related services.

ORIGINAL RESPONSE: Admit

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 28: Admit that your services include telecommunications-related services.

ORIGINAL RESPONSE: Admit

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 29: Admit that your goods and services are sold or provided to unsophisticated customers.

ORIGINAL RESPONSE: Admit as to at least one of TATA Telecom's goods and services. Otherwise, deny.

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 39: Admit that the acronym of Toronto Asia Tele Access – “TATA” – is identical in sight to the TATA mark.

ORIGINAL RESPONSE: Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit that “TATA” is identical in sight to the “TATA” formative of certain of Tata Sons’ trademarks. Otherwise, deny.

AMENDED RESPONSE: Admit that “TATA” is identical in sight to “TATA.” Otherwise Deny.

REQUEST FOR ADMISSION NO. 40: Admit that the acronym of Toronto Asia Tele Access – “TATA” – is identical in sound to the TATA mark.

ORIGINAL RESPONSE: Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit that “TATA” is identical in sound to the “TATA” formative of certain of Tata Sons’ trademarks. Otherwise, deny.

AMENDED RESPONSE: Admit that the acronym of “Toronto Asia Tele Access” is “TATA.” Otherwise, deny.

REQUEST FOR ADMISSION NO. 42: Admit that the acronym of Toronto Asia Tele Access – “TATA” – looks like the mark Tata Sons.

ORIGINAL RESPONSE: Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit that “TATA” looks like the “TATA” formative of TATA SONS. Otherwise, deny.

AMENDED RESPONSE: Admit that the acronym for “Toronto Asia Tele Access” is “TATA.” Otherwise, deny.

REQUEST FOR ADMISSION NO. 43: Admit that the acronym of Toronto Asia Tele Access – “TATA” – sounds like the mark Tata Sons.

ORIGINAL RESPONSE: Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit that “TATA” sounds like the “TATA” formative of TATA SONS. Otherwise, deny.

AMENDED RESPONSE: Admit that the acronym of Toronto Asia Tele Access is “TATA.” Otherwise, deny.

REQUEST FOR ADMISSION NO. 45: Admit that the acronym of Toronto Asia Tele Access – “TATA” – looks like the mark Tata Communications.

ORIGINAL RESPONSE: Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit that “TATA” looks like the “TATA” formative of TATA COMMUNICATIONS. Otherwise, deny.

AMENDED RESPONSE: Admit that the acronym of “Toronto Asia Tele Access” is “TATA.” Otherwise, deny.

REQUEST FOR ADMISSION NO. 46: Admit that the acronym of Toronto Asia Tele Access – “TATA” – sounds like the mark Tata Communications.

ORIGINAL RESPONSE: Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit that “TATA” sounds like “TATA” formative of TATA COMMUNICATIONS. Otherwise, deny.

AMENDED RESPONSE: Admit that the acronym of Toronto Asia Tele Access is “TATA.” Otherwise, deny.

REQUEST FOR ADMISSION NO. 48: Admit that TATA Telecom looks like the TATA mark.

ORIGINAL RESPONSE: Admit the “TATA” formative of TATA Telecom looks like the “TATA” formative of certain of Tata Sons’ trademarks. Otherwise, deny.

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 49: Admit that TATA Telecom sounds like the TATA mark.

ORIGINAL RESPONSE: Admit the “TATA” formative of TATA Telecom sounds like the “TATA” formative of certain of Tata Sons’ trademarks. Otherwise, deny.

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 51: Admit that TATA Telecom looks like the mark Tata Sons.

ORIGINAL RESPONSE: Admit the “TATA” formative of TATA Telecom looks like the “TATA” formative of TATA SONS. Otherwise, deny.

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 52: Admit that TATA Telecom sounds like the mark Tata Sons.

ORIGINAL RESPONSE: Admit the “TATA” formative of TATA Telecom sounds like the “TATA” formative of TATA SONS. Otherwise, deny.

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 54: Admit that TATA Telecom looks like the mark Tata Communications.

ORIGINAL RESPONSE: Admit the “TATA” formative of TATA Telecom looks like the “TATA” formative of TATA COMMUNICATIONS. Otherwise, deny.

AMENDED RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 55: Admit that TATA Telecom sounds like the mark Tata Communications.

ORIGINAL RESPONSE: Admit the “TATA” formative of TATA Telecom sounds like the “TATA” formative of TATA COMMUNICATIONS. Otherwise, deny.

AMENDED RESPONSE: Deny.

# EXHIBIT B

1 THE HONORABLE RICARDO S. MARTINEZ  
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✓

8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 TORONTO ASIA TELE ACCESS  
12 TELECOM INC., now known as TATA  
13 TELECOM INC., a company organized  
14 under the laws of Canada, and  
15 MANMOHAN SINGH THAMBER,  
16 a natural person residing in Canada,

Plaintiffs,

No. CV 09-01356 RSM

**TATA SONS LIMITED'S FIRST  
INTERROGATORIES TO PLAINTIFF  
JURY TRIAL DEMANDED**

17 v.  
18  
19 TATA SONS LIMITED, a company  
20 organized under the laws of India,

Defendant. ✓

21 **TO:** Plaintiff and Counter-Defendant Toronto Asia Tele Access Telecom Inc., now  
22 known as TATA Telecom Inc. ("TATA Telecom Inc.")  
23 **AND TO:** Counsel of Record for TATA Telecom.

24 Pursuant to FED R. CIV. P. 26 and 33 and the Local Rules of the Western District of  
25 Washington, Tata Sons Limited ("Tata Sons") requests that TATA Telecom Inc. answer  
separately and fully in writing, under oath, the following interrogatories within thirty (30)  
days of the date of service:

RECEIVED

26  
27  
28 TATA SONS LIMITED'S FIRST  
INTERROGATORIES TO PLAINTIFF - 1  
Case No. CV 09-01356 RSM

MAR 31 2010

GRAHAM & DUNN

FENWICK & WEST LLP  
1191 SECOND AVENUE, 10<sup>TH</sup> FLOOR  
SEATTLE, WASHINGTON 98101  
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## **DEFINITIONS**

1. The terms "plaintiff", "you" or "your" shall refer to TATA Telecom Inc. and shall include any past and present divisions, parents, subsidiaries, associated organizations, affiliates, joint ventures, predecessor or successor companies, if any, and its past and present officers, directors, employees, trustees, authorized agents, sales representatives, distributors, consultants, dealers, or other representatives, including counsel and patent agents, in any country, and any persons or entities from which they have the right or ability to obtain all or part of the discovery requested, including but not limited to Plaintiff and Counter-Defendant Manmohan Singh Thamber ("Mr. Singh") and Toronto Asia Tele Access Telecom Inc.

2. The terms "Tata Sons" or "Defendant" shall refer to Tata Sons and its employees or representatives.

3. The term "mark" means any word, name, symbol, design, shape, number, slogan, or device, or any combination thereof, that is used by a person to identify and distinguish the person's goods or services from the goods or services of others.

4. The term "TATA" means Tata Sons' mark as used by Tata Sons or for which Tata Sons has publicly announced the intention to use in connection with Tata Sons' goods and services, including as set forth in U.S. Trademark Registration Nos. 2,929,070; 789,432; 2,814,916; and 2,824,913 and as set forth in U.S. Trademark Application Nos. 77/037369; 77/024615; 77/368944; 77/389690; 77/702983; 77/389677; and 77/117361.

5. The terms "Tata Sons' goods and services" or "Tata Sons' goods or services" shall refer to any and all goods and services that Tata Sons has advertised, marketed, offered for sale, distributed, rendered, or otherwise caused to be provided or that Tata Sons has publicly announced the intention to advertise, market, offer for sale, distribute, render, or otherwise cause to be provided under or in connection with TATA.

6. The term "TATA-Telecom.com" shall refer to the domain name obtained by you through the registrar eNom, Inc. ("eNom").

1       7.     The term "TATA Telecom" means the name and mark as used by you or for  
2 which you intend to use in connection with your goods or services and any variation thereof  
3 or any related names and marks.

4       8.     The term "Toronto Asia Tele Access Telecom" means the name and mark as  
5 used by you or for which you intend to use in connection with your goods or services and any  
6 variation thereof or any related names and marks.

7       9.     The terms "your goods and services" or "your goods or services" shall refer  
8 to any and all goods and services that you have advertised, marketed, offered for sale,  
9 distributed, rendered, or otherwise caused to be provided or that you intend to advertise,  
10 market, offer for sale, distribute, render, or otherwise cause to be provided under or in  
11 connection with TATA-Telecom.com, TATA Telecom and/or Toronto Asia Tele Access  
12 Telecom.

13      10.    The term "channels of trade" refers to (a) each type of person buying,  
14 leasing, or otherwise receiving each of your goods or services directly from you, each type of  
15 person marketing each of your goods or services to other persons, and each type of person to  
16 whom or which such persons market each of your goods or services, and/or (b) the means  
17 and methods by which you promote and offer your goods or services.

18      11.    The term "document" shall have the broadest meaning accorded to it by  
19 FED. R. CIV. P. 34(a) and includes, but is not limited to, all of the items defined in Fed. R.  
20 Evid. 1001, and all preliminary and final drafts of any such item.

21      12.    The term "all documents" means any and all documents that you can locate  
22 through a diligent search of all locations likely to contain documents requested herein and  
23 through reasonable inquiry of all persons likely to know of the existence of documents  
24 requested herein.

25      13.    The term "communication" shall refer to all written, oral, telephonic or other  
26 inquiries, dialogues, discussions, conversations, interviews, correspondence, consultations,  
27 negotiations, agreements, understandings, meetings, letters, notes, telegrams, advertisements,

1 press releases, computer mail, e-mail and all other documents evidencing any verbal or  
2 nonverbal interaction between persons and/or entities.

3       14. The terms "relate to," "relates to," "related to," "relating to," "refer to,"  
4 "referring to," "reflecting" and "regarding" mean constitute, include, comprise, consist of,  
5 refer, reflect, discuss, show, state, explain, contradict, provide context to, evidence, concern,  
6 demonstrate, or be in any way logically or factually connected with the matter discussed or  
7 identified.

8       15. The term "person(s)" shall include natural persons, corporate or other  
9 business entities, and all other forms of legal entities, whether or not in the employ of any  
10 party. The acts and knowledge of a person are defined to include the acts and knowledge of  
11 that person's directors, officers, owners, members, employees, representatives, agents, and/or  
12 attorneys.

13       16. "Identify," "identification," "describe," or "description" means that:

14             (A) Where you are asked to identify or describe a natural person, you  
15 shall state his or her full name, his or her present or last known home and business addresses  
16 and telephone numbers, and his or her present or last known employer;

17             (B) Where you are asked to identify or describe a corporation, company,  
18 business, joint venture, partnership, or other business entity, you are to state its name, its  
19 relationship to you, its last known address, the nature of its business, the name of its last  
20 known chief executive officer, and whether or not it is still transacting business;

21             (C) Where you are asked to identify or describe an oral communication,  
22 you shall state the date of the communication, the type of communication (telephone  
23 conversation, meeting, etc.), whether any written documents were created during or as a  
24 result of the communication, the place where the communication took place, the identity of  
25 the person who made the communication, the identity of each person who received the  
26 communication, the identity of each person present when it was made, and the subject matter  
27 discussed;

28 TATA SONS LIMITED'S FIRST  
INTERROGATORIES TO PLAINTIFF - 4  
Case No. CV 09-01356 RSM

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1                             (D) Where you are asked to identify or describe a document or written  
2 communication, you shall specifically designate the type of document (e.g., letter, inter-  
3 office memorandum, report, drawing, technical report, proposal, etc.) and shall state  
4 information sufficient to enable Tata Sons to identify the document, such as its date, names  
5 of addressees, names of authors or signatories, title or heading, number of pages, the  
6 identities and addresses of any persons to whom copies were sent, and the present or last  
7 known possessor of the original of the document (or, if you are aware that the  
8 communication has been lost or destroyed, you shall so state and shall provide the names of  
9 the persons who lost or destroyed the document and the reasons for and circumstances of  
10 such loss or destruction);

11                             (E) Where you are asked to identify or describe a trademark or trademark  
12 application or registration, or a service mark or service mark application or registration, you  
13 shall state its country or state, application number and registration number, its date of first  
14 use in that country or state and the goods or services on or in connection with which it was  
15 first used and subsequently has been used, the identity of all past and present trademark or  
16 service mark owners, the identity of any United States counterpart application or registration  
17 and the date of first use in the United States and the goods on which or the services in  
18 connection with which it was first used and subsequently has been used in the United States;

19                             (F) Where you are asked to identify or describe a service, you shall state  
20 the nature of the service and the goods in connection with which it is to be provided, to  
21 whom and where it is to be provided, by whom it is to be provided, and the service mark or  
22 other designation used by the party concerned to distinguish it from others.

23                             17. The words "or" and "and" shall be construed in the conjunctive and in the  
24 disjunctive when they appear, and neither of these words shall be interpreted to limit the  
25 scope of these interrogatories.

26                             18. The terms "any" or "each" shall be construed to include and encompass  
27 "all."

19. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

20. The singular form of any word shall be construed to include the plural. The plural form of any word shall be construed to include the singular.

## **INSTRUCTIONS**

The following instructions shall apply to each of the requests herein:

7       1.     In answering the following interrogatories, you shall furnish all information  
8 which is available to you, after reasonable inquiry, including information in the custody,  
9 control, or possession of your agents, employees, officers, directors, attorneys, investigators,  
10 consultants, experts, and all other persons acting on your behalf, and not merely such  
11 information known of your personal knowledge.

12        2.     In answering the following interrogatories, you shall furnish all information  
13     regarding your actual or intended use of TATA-Telecom.com, Toronto Asia Tele Access  
14     Telecom, and/or TATA Telecom responsive to each interrogatory. Selection of documents  
15     from files and other sources and numbering of such documents shall be performed in such a  
16     manner as to ensure that the source and order of each document may be determined, if  
17     necessary.

18       3.     If any of the following Interrogatories cannot be answered fully and  
19 completely after you have made reasonable inquiries of your agents, employees, officers,  
20 directors, attorneys, investigators, consultants, experts, and others acting on your behalf,  
21 answer such Interrogatories to the fullest extent possible, specifying the reasons for your  
22 inability to answer the remainder of such Interrogatories, and stating whatever information or  
23 knowledge you possess concerning the unanswered portions thereof. Also, where you cannot  
24 answer the Interrogatory fully, please provide your best estimate, explain that it is an  
25 estimate, and describe the basis upon which the estimate is made.

26        4.        Where a claim of privilege is asserted in responding or objecting to any of  
27 these Interrogatories and information is not provided on the basis of such assertion:

1                         (A)     the party or attorney asserting the privilege shall in the response or  
2 objection to the discovery request identify the nature of the privilege (including work  
3 product) which is being claimed and if the privilege is being asserted in connection with a  
4 claim or defense governed by state law, indicate the state's privilege rule being invoked;

5                         (B)     the following information shall be provided in the response or  
6 objection, unless divulgence of such information would cause disclosure of privileged  
7 information: (i) date of the document or, if no date is indicated, an estimate of that date; (ii)  
8 type of document; (iii) subject matter as described on the document or, if no such description  
9 appears, then some other description sufficient to identify the document; (iv) the name and  
10 address of each person who prepared it; (v) the name and address of each person to whom it  
11 was sent; (vi) the name and address of each person for whom it was prepared; (vii) the name  
12 and address of each person receiving or reviewing it, if any; (viii) the name and address of  
13 each person now in possession thereof; and (ix) the particular request to which such  
14 document is responsive.

15                         (C)     For oral communications, identify: (i) the name of the person making  
16 the communication and the names of persons present while the communication was made  
17 and, where not apparent, the relationship of the persons present to the person making the  
18 communications; (ii) the date and place of communication; and (iii) the general subject  
19 matter of the communication.

20                         5.     These Interrogatories are continuing in character so as to require you to  
21 supplement your responses in accordance with FED. R. CIV. P. 26(e) if you obtain or become  
22 aware of any further information responsive to these interrogatories.

1                   **INTERROGATORIES**

2                   **INTERROGATORY NO. 1:**

3                  Identify each place of business owned or controlled in whole or in part by you,  
4                  including describing for each such place of business the location, the nature of the business  
5                  conducted at the location, and the number of persons employed at the location.

6                   **INTERROGATORY NO. 2:**

7                  Identify and describe in detail your goods and services offered under the TATA  
8                  Telecom mark, including without limitation each good and service which you offered  
9                  through TATA-Telecom.com.

10                 **INTERROGATORY NO. 3:**

11                 Identify and describe in detail your authority or ability to provide your goods and  
12                 services, including without limitation any telecommunications-related good or service in the  
13                 U.S., including any authority or ability provided by the U.S. government or its regulatory  
14                 agencies.

15                 **INTERROGATORY NO. 4:**

16                 Describe in detail how TATA-Telecom.com, Toronto Asia Tele Access Telecom  
17                 and/or TATA Telecom are or will be used in connection with, or in promotion of, your goods  
18                 and services.

19                 **INTERROGATORY NO. 5:**

20                 State the location and time period, including the date of first use, that TATA-  
21                 Telecom.com has been used in connection with each of your goods and services anywhere in  
22                 the United States.

23                 **INTERROGATORY NO. 6:**

24                 State the location and time period, including the date of first use, that Toronto Asia  
25                 Tele Access Telecom has been used in connection with each of your goods and services  
26                 anywhere in the United States.

1      **INTERROGATORY NO. 7:**

2                State the location and time period, including the date of first use, that TATA Telecom  
3 has been used in connection with each of your goods and services anywhere in the United  
4 States.

5      **INTERROGATORY NO. 8:**

6                Identify and describe in detail, including the time period, any changes in your goods  
7 and services that have occurred at any time since the inception of your first provision of those  
8 goods and services.

9      **INTERROGATORY NO. 9:**

10               Identify and describe in detail all current or prospective segments of customers of  
11 your goods and services.

12     **INTERROGATORY NO. 10:**

13               Identify and describe in detail the channels of trade you have used or plan to use for  
14 your goods and services.

15     **INTERROGATORY NO. 11:**

16               Identify and describe in detail all goods and services that compete or would compete  
17 with your goods and services, including all providers of such goods and services.

18     **INTERROGATORY NO. 12:**

19               Separately for each year, detail the revenues earned from and expenses related to, the  
20 offering, sale, or distribution of your goods or services, including any advertising, promotion,  
21 and marketing expenses.

22     **INTERROGATORY NO. 13:**

23               Describe in detail the facts regarding your selection and adoption of Toronto Asia  
24 Tele Access Telecom, including without limitation the reason it was selected to identify your  
25 goods and services (e.g., the impression you sought to convey to consumers with Toronto  
26 Asia Tele Access Telecom), the meaning of Toronto Asia Tele Access Telecom and the  
27 person(s) involved in the selection and adoption of Toronto Asia Tele Access Telecom.

1     **INTERROGATORY NO. 14:**

2              Describe in detail the facts regarding your decision to change your name from  
3     Toronto Asia Tele Access Telecom to TATA Telecom, including without limitation the  
4     reason TATA Telecom was selected to identify your goods and services (e.g., the impression  
5     you sought to convey to consumers with TATA Telecom), the meaning of TATA Telecom  
6     and the person(s) involved in the decision to change your name from Toronto Asia Tele  
7     Access Telecom to TATA Telecom.

8     **INTERROGATORY NO. 15:**

9              Describe in detail when and under what circumstances you first learned of Tata Sons,  
10    Tata Sons' use or intended use of TATA, and/or Tata Sons' goods and services.

11    **INTERROGATORY NO. 16:**

12              Describe in detail each instance of actual or potential confusion, mistake, or deception  
13     of any person(s) as to the source, origin, or sponsorship of TATA Telecom, including  
14     without limitation any actual or potential confusion, mistake, or deception as to your  
15     affiliation, connection, or association with Tata Sons, TATA, and/or Tata Sons' goods and  
16     services.

17    **INTERROGATORY NO. 17:**

18              Describe in detail any opinions, legal or otherwise, regarding the availability of  
19     TATA Telecom for your use, and identify all documents, including without limitation  
20     trademark search reports, related to the availability of or right to use TATA Telecom.

21    **INTERROGATORY NO. 18:**

22              If your response to any of the Requests for Admissions contained in Tata Sons' First  
23     Requests for Admission is anything other than an unqualified admission, for each such  
24     response, state all facts on which you base your denial or the qualification of your admission  
25     to the request.

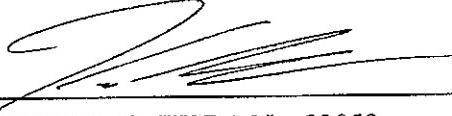
1 **INTERROGATORY NO. 19:**

2 Identify each person who supplied documents, assisted, provided information, or was  
3 consulted by you regarding your answers to any of these Interrogatories, and, separately for  
4 each such person, specify the interrogatory number(s) for which assistance, information, or  
5 consultation was provided.

6

7 DATED this 31<sup>st</sup> day of March, 2010.

8 **FENWICK & WEST LLP**

9 By: 

10  
11 Kit W. Roth, WSBA No. 33059  
12 Kathryn J. Fritz (*admitted pro hac vice*)  
Eric J. Ball (*admitted pro hac vice*)

13 1191 Second Avenue  
14 10<sup>th</sup> Floor  
15 Seattle, WA 98101  
Phone: 206-389-4522  
Fax: 206-389-4511  
Email: [kroth@fenwick.com](mailto:kroth@fenwick.com)

16  
17 Attorneys for Defendant Tata Sons Limited

## CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2010, I caused the following document

- TATA SONS LIMITED'S FIRST INTERROGATORIES TO PLAINTIFF

to be served on counsel as follows:

Michael G. Atkins  
GRAHAM & DUNN, PC  
2801 Alaskan Way, Ste. 300  
Seattle, WA 98121-1128  
Tele: 206-624-8300  
Fax: 206-340-9599  
Email: matkins@grahamdunn.com

- United States Mail, First Class
  - By Messenger
  - By Facsimile
  - By Overnight Courier
  - By Email

Attorneys for TATA Telecom Inc.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 31<sup>st</sup> day of March, 2010.

Denise A. O'Connor  
DENISE A. O'CONNOR

23467/00408/LIT/1319109.5

TATA SONS LIMITED'S FIRST  
INTERROGATORIES TO PLAINTIFF - 12  
Case No. CV 09-01356 RSM

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# EXHIBIT C

1  
2 THE HONORABLE RICARDO S. MARTINEZ  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TORONTO ASIA TELE ACCESS  
TELECOM INC., now known as TATA  
TELECOM INC., a company organized  
under the laws of Canada, and  
MANMOHAN SINGH THAMBER,  
a natural person residing in Canada,

Plaintiffs,

v.

TATA SONS LIMITED, a company  
organized under the laws of India,

Defendant.

No. CV 09-01356 RSM

**TATA SONS LIMITED'S FIRST  
REQUESTS FOR ADMISSION TO  
PLAINTIFF AND RESPONSES  
THERETO**

**JURY TRIAL DEMANDED**

**TO:** Plaintiff and Counter-Defendant Toronto Asia Tele Access Telecom Inc., now known as TATA Telecom Inc. ("TATA Telecom Inc.")

**AND TO:** Counsel of Record for TATA Telecom.

Pursuant to FED R. CIV. P. 26 and 36 and the Local Rules of the Western District of Washington, Tata Sons Limited ("Tata Sons") requests that TATA Telecom Inc. answer separately and fully in writing, under oath, the following requests within thirty (30) days of the date of service:

TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO – 1  
Case No. CV 09-01356 RSM

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## **DEFINITIONS**

2        1. The terms "plaintiff", "you", or "your" shall refer to TATA Telecom, Inc.  
3 and shall include any past and present divisions, parents, subsidiaries, associated  
4 organizations, affiliates, joint ventures, predecessor or successor companies, if any, and its  
5 past and present officers, directors, employees, trustees, authorized agents, sales  
6 representatives, distributors, consultants, dealers, or other representatives, including counsel  
7 and patent agents, in any country, and any persons or entities from which they have the right  
8 or ability to obtain all or part of the discovery requested, including but not limited to Plaintiff  
9 and Counter-Defendant Manmohan Singh Thamber ("Mr. Singh") and Toronto Asia Tele  
10 Access Telecom, Inc.

11       2.       The terms "Tata Sons" or "Defendant" shall refer to Tata Sons and its  
12 employees or representatives.

13       3.       The term "mark" means any word, name, symbol, design, shape, number,  
14 slogan, or device, or any combination thereof, that is used by a person to identify and  
15 distinguish the person's goods or services from the goods or services of others.

16       4.       The term "TATA" means Tata Sons' mark as used by Tata Sons or for which  
17 Tata Sons has publicly announced the intention to use in connection with Tata Sons' goods  
18 or services, including as set forth in U.S. Trademark Registration Nos. 2,929,070; 789,432;  
19 2,814,916; and 2,824,913 and as set forth in U.S. Trademark Application Nos. 77/037369;  
20 77/024615; 77/368944; 77/389690; 77/702983; 77/389677; and 77/117361.

21       5.       The terms "Tata Sons' goods and services" or "Tata Sons' goods or  
22 services" shall refer to any and all goods and services that Tata Sons has advertised,  
23 marketed, offered for sale, distributed, rendered, or otherwise caused to be provided or that  
24 Tata Sons has publicly announced the intention to advertise, market, offer for sale, distribute,  
25 render, or otherwise cause to be provided under or in connection with TATA.

26       6.       The term "TATA-Telecom.com" shall refer to the domain name obtained by  
27 you through the registrar eNom, Inc. ("eNom").

28 TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
*RESPONSES THERETO - 2*  
Case No. CV 09-01356 RSM

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1       7.     The term "TATA Telecom" means the name and mark as used by you or for  
2 which you intend to use in connection with your goods or services and any variation thereof  
3 or any related names and marks.

4       8.     The term "Toronto Asia Tele Access Telecom" means the name and mark as  
5 used by you or for which you intend to use in connection with your goods or services and any  
6 variation thereof or any related names and marks.

7       9.     The terms "your goods and services" or "your goods or services" shall refer  
8 to any and all goods and services that you have advertised, marketed, offered for sale,  
9 distributed, rendered, or otherwise caused to be provided or that you intend to advertise,  
10 market, offer for sale, distribute, render, or otherwise cause to be provided under or in  
11 connection with TATA-Telecom.com, TATA Telecom and/or Toronto Asia Tele Access  
12 Telecom.

13      10.    The term "channels of trade" refers to (a) each type of person buying,  
14 leasing, or otherwise receiving each of your goods or services directly from you, each type of  
15 person marketing each of your goods or services to other persons, and each type of person to  
16 whom or which such persons market each of your goods or services, and/or (b) the means  
17 and methods by which you promote and offer your goods or services.

18      11.    The terms "relate to," "relates to," "related to," "relating to," "refer to,"  
19 "referring to," "reflecting" and "regarding" mean constitute, include, comprise, consist of,  
20 refer, reflect, discuss, show, state, explain, contradict, provide context to, evidence, concern,  
21 demonstrate, or be in any way logically or factually connected with the matter discussed or  
22 identified.

23      12.    The term "person(s)" shall include natural persons, corporate or other  
24 business entities, and all other forms of legal entities, whether or not in the employ of any  
25 party. The acts and knowledge of a person are defined to include the acts and knowledge of  
26 that person's directors, officers, owners, members, employees, representatives, agents, and/or  
27 attorneys.

28      TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO - 3  
Case No. CV 09-01356 RSM

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13. The words "or" and "and" shall be construed in the conjunctive and in the disjunctive when they appear, and neither of these words shall be interpreted to limit the scope of these requests.

14. The terms "any" or "each" shall be construed to include and encompass "all."

15. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

16. The singular form of any word shall be construed to include the plural. The plural form of any word shall be construed to include the singular.

## INSTRUCTIONS

1. Pursuant to the requirements of FED. R. CIV. P. 36(a), you are requested to:
    - (A) respond not only to statements or opinions of fact, but also to the application of law to fact;
    - (B) give lack of information or knowledge as a reason for failure to admit or deny a request only if you have made reasonable inquiry as to the request; and
    - (C) comply with the requirement that if good faith requires you to qualify an answer or deny only a part of the matter of which an admission is requested, you specify so much of the request as is true and qualify or deny the remainder.

2. Where a claim of privilege is asserted in responding or objecting to any of these Requests and information is not provided on the basis of such assertion, the party or attorney asserting the privilege shall in the response or objection to the discovery request identify the nature of the privilege (including work product) which is being claimed and if the privilege is being asserted in connection with a claim or defense governed by state law, indicate the state's privilege rule being invoked; and

TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
*RESPONSES THERETO - 4*  
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1       3.     These requests are continuing in character so as to require you to supplement  
2 your responses in accordance with FED. R. CIV. P. 26(e) if you obtain or become aware of  
3 any further information responsive to these requests, except that the requester does not agree  
4 to the withdrawal of admissions.

5

6                   **REQUESTS FOR ADMISSION**

7                   **REQUEST FOR ADMISSION NO. 1:**

8       Admit that Tata Sons' rights in TATA predate any rights you claim in TATA-  
9 Telecom.com.

10                  **RESPONSE:** Deny

11                  **REQUEST FOR ADMISSION NO. 2:**

12       Admit that Tata Sons' rights in TATA predate any rights you claim in TATA Telecom.

13                  **RESPONSE:** Deny

14                  **REQUEST FOR ADMISSION NO. 3:**

15       Admit that Tata Sons' rights in TATA predate any rights you claim in Toronto Asia  
16 Tele Access Telecom.

17                  **RESPONSE:** Deny

18                  **REQUEST FOR ADMISSION NO. 4:**

19       Admit that Tata Sons used the TATA mark before you began using TATA-  
20 Telecom.com.

21                  **RESPONSE:** Deny

22                  **REQUEST FOR ADMISSION NO. 5:**

23       Admit that Tata Sons used the TATA mark before you began using TATA Telecom.

24                  **RESPONSE:** Deny

25                  **REQUEST FOR ADMISSION NO. 6:**

26       Admit that Tata Sons used the TATA mark before you began using Toronto Asia Tele  
27 Access Telecom.

28       TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO - 5  
Case No. CV 09-01356 RSM

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1       RESPONSE: Deny

2       **REQUEST FOR ADMISSION NO. 7:**

3       Admit that you were aware of Tata Sons before you adopted TATA-Telecom.com.

4       RESPONSE: Deny

5       **REQUEST FOR ADMISSION NO. 8:**

6       Admit that you were aware of Tata Sons before you adopted TATA Telecom.

7       RESPONSE: Deny

8       **REQUEST FOR ADMISSION NO. 9:**

9       Admit that you were aware of Tata Sons before you adopted Toronto Asia Tele Access  
10      Telecom.

11      RESPONSE: Deny

12      **REQUEST FOR ADMISSION NO. 10:**

13      Admit that you were aware of the TATA mark before you adopted TATA-  
14      Telecom.com.

15      RESPONSE: Deny

16      **REQUEST FOR ADMISSION NO. 11:**

17      Admit that you were aware of the TATA mark before you adopted TATA Telecom.

18      RESPONSE: Deny

19      **REQUEST FOR ADMISSION NO. 12:**

20      Admit that you were aware of the TATA mark before you adopted Toronto Asia Tele  
21      Access Telecom.

22      RESPONSE: Deny

23      **REQUEST FOR ADMISSION NO. 13:**

24      Admit that you were aware of Tata Sons before you changed your name from Toronto  
25      Asia Tele Access Telecom to TATA Telecom.

26      RESPONSE: Deny

28      TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO - 6  
Case No. CV 09-01356 RSM

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1     REQUEST FOR ADMISSION NO. 14:

2         Admit that you were aware of the TATA mark before you changed your name from  
3         Toronto Asia Tele Access Telecom to TATA Telecom.

4         RESPONSE: Deny

5     REQUEST FOR ADMISSION NO. 15:

6         Admit that you were aware of Tata Sons before your creation, selection, registry and  
7         adoption of the domain name TATA-Telecom.com.

8         RESPONSE: Deny

9     REQUEST FOR ADMISSION NO. 16:

10         Admit that you were aware of the TATA mark before your creation, selection, registry  
11         and adoption of the domain name TATA-Telecom.com.

12         RESPONSE: Deny

13     REQUEST FOR ADMISSION NO. 17:

14         Admit that your goods or services are identical to at least some of Tata Sons' goods and  
15         services.

16         RESPONSE: Admit that at least one of TATA Telecom's services is identical to at  
17         least one of Tata Sons' services. Otherwise, deny.

18     REQUEST FOR ADMISSION NO. 18:

19         Admit that your goods and services are the same type of goods and services as some of  
20         Tata Sons' goods and services.

21         RESPONSE: Admit that at least one of TATA Telecom's services is the same type of  
22         services as at least one of Tata Sons' services. Otherwise, deny.

23     REQUEST FOR ADMISSION NO. 19:

24         Admit that your goods and services are related to Tata Sons' goods and services.

25         RESPONSE: Admit that at least one of TATA Telecom's services is related to at least  
26         one of Tata Sons' services. Otherwise, deny.

27

28     TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO - 7  
Case No. CV 09-01356 RSM

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1 **REQUEST FOR ADMISSION NO. 20:**

2 Admit that the word "telecom" describes your goods or services.

3 **RESPONSE:** Admit

4 **REQUEST FOR ADMISSION NO. 21:**

5 Admit that Tata Sons provides telecommunication goods.

6 **RESPONSE:** Admit

7 **REQUEST FOR ADMISSION NO. 22:**

8 Admit that you provide telecommunication goods.

9 **RESPONSE:** Admit

10 **REQUEST FOR ADMISSION NO. 23:**

11 Admit that Tata Sons provides telecommunication services.

12 **RESPONSE:** Admit

13 **REQUEST FOR ADMISSION NO. 24:**

14 Admit that you provide telecommunication services.

15 **RESPONSE:** Admit

16 **REQUEST FOR ADMISSION NO. 25:**

17 Admit that Tata Sons' goods include telecommunications-related goods.

18 **RESPONSE:** Admit

19 **REQUEST FOR ADMISSION NO. 26:**

20 Admit that your goods include telecommunications-related goods.

21 **RESPONSE:** Admit

22 **REQUEST FOR ADMISSION NO. 27:**

23 Admit that Tata Sons' services include telecommunications-related services.

24 **RESPONSE:** Admit

25 **REQUEST FOR ADMISSION NO. 28:**

26 Admit that your services include telecommunications-related services.

27 **RESPONSE:** Admit

28 TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO – 8  
Case No. CV 09-01356 RSM

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1    **REQUEST FOR ADMISSION NO. 29:**

2       Admit that your goods and services are sold or provided to unsophisticated customers.

3       **RESPONSE:** Admit as to at least one of TATA Telecom's goods and services.

4       Otherwise, deny.

5    **REQUEST FOR ADMISSION NO. 30:**

6       Admit that Tata Sons' goods and services are sold or provided to unsophisticated  
7       customers.

8       **RESPONSE:** TATA Telecom has made a reasonable inquiry and the information it  
9       knows or can readily obtain is insufficient to enable it to admit or deny.

10    **REQUEST FOR ADMISSION NO. 31:**

11       Admit that your goods and services are sold or provided to the same customers as Tata  
12       Sons' goods and services.

13       **RESPONSE:** TATA Telecom has made a reasonable inquiry and the information it  
14       knows or can readily obtain is insufficient to enable it to admit or deny.

15    **REQUEST FOR ADMISSION NO. 32:**

16       Admit that your goods and services are marketed to the same customers as Tata Sons'  
17       goods and services are marketed.

18       **RESPONSE:** TATA Telecom has made a reasonable inquiry and the information it  
19       knows or can readily obtain is insufficient to enable it to admit or deny.

20    **REQUEST FOR ADMISSION NO. 33:**

21       Admit that your goods and services are sold or provided in the same channels of trade as  
22       Tata Sons' goods and services are sold or provided.

23       **RESPONSE:** Admit at least one of TATA Telecom's goods and services is sold or  
24       provided in the same channels of trade as at least one of TATA Sons' goods and services is  
25       sold or provided. Otherwise, deny.

26    **REQUEST FOR ADMISSION NO. 34:**

27       Admit that your goods and services are provided over the Internet.

28       **TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO - 9**  
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1       **RESPONSE:** Admit

2       **REQUEST FOR ADMISSION NO. 35:**

3       Admit that Tata Sons' goods and services are provided over the Internet.

4       **RESPONSE:** Admit that at least one of Tata Sons' goods and services is provided over  
5       the Internet. TATA Telecom has made a reasonable inquiry and the information it knows or  
6       can readily obtain is insufficient to enable it to admit or deny the remaining portion of this  
7       request.

8       **REQUEST FOR ADMISSION NO. 36:**

9       Admit that you advertise your goods and services via the Internet.

10      **RESPONSE:** Admit

11      **REQUEST FOR ADMISSION NO. 37:**

12      Admit that Tata Sons' goods and services are advertised via the Internet.

13      **RESPONSE:** Admit

14      **REQUEST FOR ADMISSION NO. 38:**

15      Admit that TATA is well known for identifying Tata Sons' goods and services.

16      **RESPONSE:** TATA Telecom objects to this request as being vague and ambiguous as  
17      to the undefined phrase "well known," and therefore is unable to respond to this request.

18      **REQUEST FOR ADMISSION NO. 39:**

19      Admit that the acronym of Toronto Asia Tele Access – "TATA" – is identical in sight to  
20      the TATA mark.

21      **RESPONSE:** Admit that the acronym of TATA Asia Tele Access is "TATA." Admit  
22      that "TATA" is identical in sight to the "TATA" formative of certain of Tata Sons'  
23      trademarks. Otherwise, deny.

24      **REQUEST FOR ADMISSION NO. 40:**

25      Admit that the acronym of Toronto Asia Tele Access – "TATA" – is identical in sound  
26      to the TATA mark.

1       **RESPONSE:** Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit  
2 that “TATA” is identical in sound to the “TATA” formative of certain of Tata Sons’  
3 trademarks. Otherwise, deny.

4       **REQUEST FOR ADMISSION NO. 41:**

5       Admit that the acronym of Toronto Asia Tele Access – “TATA” – offers the same  
6 commercial impression as the TATA mark.

7       **RESPONSE:** Deny.

8       **REQUEST FOR ADMISSION NO. 42:**

9       Admit that the acronym of Toronto Asia Tele Access – “TATA” – looks like the mark  
10 Tata Sons.

11       **RESPONSE:** Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit  
12 that “TATA” looks like the “TATA” formative of TATA SONS. Otherwise, deny.

13       **REQUEST FOR ADMISSION NO. 43:**

14       Admit that the acronym of Toronto Asia Tele Access – “TATA” – sounds like the mark  
15 Tata Sons.

16       **RESPONSE:** Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit  
17 that “TATA” sounds like the “TATA” formative of TATA SONS. Otherwise, deny.

18       **REQUEST FOR ADMISSION NO. 44:**

19       Admit that the acronym of Toronto Asia Tele Access – “TATA” – offers the same  
20 commercial impression as the mark Tata Sons.

21       **RESPONSE:** Deny

22       **REQUEST FOR ADMISSION NO. 45:**

23       Admit that the acronym of Toronto Asia Tele Access – “TATA” – looks like the mark  
24 Tata Communications.

25       **RESPONSE:** Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit  
26 that “TATA” looks like the “TATA” formative of TATA COMMUNICATIONS.  
27 Otherwise, deny.

28       TATA SONS LIMITED’S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO – 11  
Case No. CV 09-01356 RSM

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1 **REQUEST FOR ADMISSION NO. 46:**

2 Admit that the acronym of Toronto Asia Tele Access – “TATA” – sounds like the mark  
3 Tata Communications.

4 **RESPONSE:** Admit that the acronym of TATA Asia Tele Access is “TATA.” Admit  
5 that “TATA” sounds like “TATA” formative of TATA COMMUNICATIONS. Otherwise,  
6 deny.

7 **REQUEST FOR ADMISSION NO. 47:**

8 Admit that the acronym of Toronto Asia Tele Access – “TATA” – offers the same  
9 commercial impression as the mark Tata Communications.

10 **RESPONSE:** Deny.

11 **REQUEST FOR ADMISSION NO. 48:**

12 Admit that TATA Telecom looks like the TATA mark.

13 **RESPONSE:** Admit the “TATA” formative of TATA Telecom looks like the “TATA”  
14 formative of certain of Tata Sons’ trademarks. Otherwise, deny.

15 **REQUEST FOR ADMISSION NO. 49:**

16 Admit that TATA Telecom sounds like the TATA mark

17 **RESPONSE:** Admit the “TATA” formative of TATA Telecom sounds like the  
18 “TATA” formative of certain of Tata Sons’ trademarks. Otherwise, deny.

19 **REQUEST FOR ADMISSION NO. 50:**

20 Admit that TATA Telecom offers the same commercial impression as the TATA mark.

21 **RESPONSE:** Deny

22 **REQUEST FOR ADMISSION NO. 51:**

23 Admit that TATA Telecom looks like the mark Tata Sons.

24 **RESPONSE:** Admit the “TATA” formative of TATA Telecom looks like the “TATA”  
25 formative of TATA SONS. Otherwise, deny.

26 **REQUEST FOR ADMISSION NO. 52:**

27 Admit that TATA Telecom sounds like the mark Tata Sons.

28 TATA SONS LIMITED’S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO – 12  
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1       **RESPONSE:** Admit the "TATA" formative of TATA Telecom sounds like the  
2 "TATA" formative of TATA SONS. Otherwise, deny.

3       **REQUEST FOR ADMISSION NO. 53:**

4       Admit that TATA Telecom offers the same commercial impression as the mark Tata  
5 Sons.

6       **RESPONSE:** Deny.

7       **REQUEST FOR ADMISSION NO. 54:**

8       Admit that TATA Telecom looks like the mark Tata Communications.

9       **RESPONSE:** Admit the "TATA" formative of TATA Telecom looks like the "TATA"  
10 formative of TATA COMMUNICATIONS. Otherwise, deny.

11      **REQUEST FOR ADMISSION NO. 55:**

12      Admit that TATA Telecom sounds like the mark Tata Communications.

13      **RESPONSE:** Admit the "TATA" formative of TATA Telecom sounds like the  
14 "TATA" formative of TATA COMMUNICATIONS. Otherwise, deny.

15      **REQUEST FOR ADMISSION NO. 56:**

16      Admit that TATA Telecom offers the same commercial impression as the mark Tata  
17 Communications.

18      **RESPONSE:** Deny.

19      **REQUEST FOR ADMISSION NO. 57:**

20      Admit that you use the color blue to advertise your goods or services.

21      **RESPONSE:** Admit

22      **REQUEST FOR ADMISSION NO. 58:**

23      Admit that the color blue is the predominant color used on TATA-Telecom.com.

24      **RESPONSE:** Admit

25      **REQUEST FOR ADMISSION NO. 59:**

26      Admit that your use of TATA Telecom emphasizes the "tata" portion of the mark.

27      **RESPONSE:** Admit

1    **REQUEST FOR ADMISSION NO. 60:**

2       Admit that "tata" is the dominant portion of the TATA Telecom.

3       **RESPONSE:** Admit

4    **REQUEST FOR ADMISSION NO. 61:**

5       Admit that TATA Telecom is a "tata" formative mark.

6       **RESPONSE:** Admit the "TATA Telecom" contains the formative "TATA."  
7       Otherwise, deny.

8    **REQUEST FOR ADMISSION NO. 62:**

9       Admit that the acronym of Toronto Asia Tele Access – "TATA" – creates a likelihood  
10      of confusion, mistake, or deception as to source, origin, or sponsorship with Tata Sons'  
11      goods and services.

12       **RESPONSE:** Deny

13    **REQUEST FOR ADMISSION NO. 63:**

14       Admit that the acronym of Toronto Asia Tele Access – "TATA" – creates a likelihood  
15      of confusion, mistake, or deception as to your affiliation, connection, or association with Tata  
16      Sons.

17       **RESPONSE:** Deny

18    **REQUEST FOR ADMISSION NO. 64:**

19       Admit that the acronym of Toronto Asia Tele Access – "TATA" – is likely to impair the  
20      distinctiveness of TATA.

21       **RESPONSE:** Deny

22    **REQUEST FOR ADMISSION NO. 65:**

23       Admit that TATA Telecom creates a likelihood of confusion, mistake, or deception as to  
24      source, origin, or sponsorship with Tata Sons' goods and services.

25       **RESPONSE:** Deny

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28       TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO – 14  
Case No. CV 09-01356 RSM

FENWICK & WEST LLP  
1191 SECOND AVENUE, 10<sup>TH</sup> FLOOR  
SEATTLE, WASHINGTON 98101  
telephone (206) 389-4510  
facsimile (206) 389-4511

1 **REQUEST FOR ADMISSION NO. 66:**

2 Admit that TATA Telecom creates a likelihood of confusion, mistake, or deception as to  
3 your affiliation, connection, or association with Tata Sons.

4 **RESPONSE:** Deny

5 **REQUEST FOR ADMISSION NO. 67:**

6 Admit that TATA Telecom is likely to impair the distinctiveness of TATA.

7 **RESPONSE:** Deny

8 **REQUEST FOR ADMISSION NO. 68:**

9 Admit that you contacted Epsilon Telecommunications Ltd.

10 **RESPONSE:** Admit

11 **REQUEST FOR ADMISSION NO. 69:**

12 Admit that you contacted EVITARUS.

13 **RESPONSE:** Deny

14 **REQUEST FOR ADMISSION NO. 70:**

15 Admit that you contacted Convergia Networks.

16 **RESPONSE:** Deny

17 **REQUEST FOR ADMISSION NO. 71:**

18 Admit that Epsilon Telecommunications Ltd. expressed to you confusion as to your  
19 affiliation, connection, or association with Tata Sons, or expressed to you the misimpression  
20 that you are Tata Sons or are affiliated, connected, or associated with Tata Sons.

21 **RESPONSE:** Deny

22 **REQUEST FOR ADMISSION NO. 72:**

23 Admit that EVITARUS expressed to you confusion as to your affiliation, connection, or  
24 association with Tata Sons, or expressed to you the misimpression that you are Tata Sons or  
25 are affiliated, connected, or associated with Tata Sons.

26 **RESPONSE:** Deny

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28 TATA SONS LIMITED'S FIRST REQUESTS  
FOR ADMISSIONS PLAINTIFF AND  
RESPONSES THERETO - 15  
Case No. CV 09-01356 RSM

FENWICK & WEST LLP  
1191 SECOND AVENUE, 10<sup>TH</sup> FLOOR  
SEATTLE, WASHINGTON 98101  
telephone (206) 389-4510  
facsimile (206) 389-4511

1 **REQUEST FOR ADMISSION NO. 73:**

2 Admit that Convergia Networks expressed to you confusion as to your affiliation,  
3 connection, or association with Tata Sons, or expressed to you the misimpression that you are  
4 Tata Sons or are affiliated, connected, or associated with Tata Sons.

5 **RESPONSE:** Deny

6  
7 DATED this 28<sup>th</sup> day of April, 2010.

8  
9 **GRAHAM & DUNN PC**

10 By: 

11 Michael G. Atkins,  
12 WABA No. 26026  
13 Email: matkins@grahamdunn.com  
Attorneys for Plaintiffs

1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on April 28, 2010, I caused the following document

3                   • **TATA SONS LIMITED'S FIRST REQUESTS FOR ADMISSION TO  
4                   PLAINTIFF AND RESPONSES THERETO**

5                   to be served on counsel as follows:

6                   Kit Roth 7                   Eric Ball 8                   Fenwick & West LLP 9                   1191 Second Avenue, 10 <sup>th</sup> Floor 10                  Seattle, WA 98101 11                  Tele: 206-389-4510 12                  Fax: 206-389-4511 13                  Email: kroth@fenwick.com 14                  Email: EBall@fenwick.com	15 <input checked="" type="checkbox"/> United States Mail, First Class 16 <input type="checkbox"/> By Messenger 17 <input type="checkbox"/> By Facsimile 18 <input type="checkbox"/> By Overnight Courier 19 <input checked="" type="checkbox"/> By Email
20 <b>Attorneys for Tata Sons Limited</b>	21

22                  I certify under penalty of perjury under the laws of the United States of America that the  
23                  foregoing is true and correct.

24                  EXECUTED this 28<sup>th</sup> day of April, 2010.

25                  

26                  Michael G. Atkins

# EXHIBIT D

The Honorable Ricardo S. Martinez

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

TORONTO ASIA TELE ACCESS TELECOM INC., now known as TATA TELECOM INC., a company organized under the laws of Canada, and MANMOHAN SINGH THAMBER, a natural person residing in Canada, ) Civil Action No. C09-1356RSM  
Plaintiffs, ) PLAINTIFF'S MOTION FOR LEAVE TO AMEND AND WITHDRAW ADMISSIONS  
vs. ) Note on Motion Calendar: January 21, 2011  
TATA SONS LTD., a company organized under the laws of India, )  
Defendant. )

## VERIFICATION OF RESPONSE

I, Shasheill Kumar, declare that:

1. I am the Chief Financial Officer (“CFO”) of Toronto Asia Tele Access Telecom, Inc., now known as TATA Telecom, Inc. (“TATA Telecom”).
  2. I have read the foregoing “Plaintiff’s Motion for Leave to Amend and Withdraw Admissions” and while I do not have personal knowledge of all of the facts recited, the information contained therein has been collected by me or made

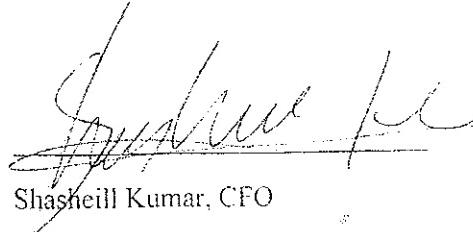
PLAINTIFF'S MOTION FOR LEAVE TO AMEND  
AND WITHDRAW ADMISSIONS -- 1

HELEIN & MARASHLIAN, LLC  
1420 Spring Hill Road, Suite 205  
McLean, Virginia 22102  
telephone (703)714-1300  
facsimile (703) 714-1330

1 available to me by others, and said allegations and statements made are true to the  
2 best of my knowledge and belief based upon the information made available to  
3 me, and therefore the foregoing Motion is certified on behalf of TATA Telecom.  
4

5 3. I declare under penalty of perjury that the foregoing is true and correct.  
6

7 EXECUTED this 31<sup>st</sup> day of December, 2010  
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9  
10 Shasheill Kumar, CFO  
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PLAINTIFF'S MOTION FOR LEAVE TO AMEND  
AND WITHDRAW ADMISSIONS -- 2

No. C09 1356 RSM

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